



PATENT  
1163-0339P

#16  
7/16/04  
[Signature]

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hiroshi SUZUKI et al. Conf: 4624  
Serial No.: 09/852,031 Art Unit: 2851  
Filed: May 10, 2001 Examiner: D. ESPLIN  
For: IMAGE DISPLAY DEVICE AND ADJUSTMENT FOR ALIGNMENT

REQUEST FOR RECONSIDERATION

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

May 6, 2004

Sir:

On February 19, 2004, Applicants filed a Second Request for Initialed Form PTO-1449 with regard to the Information Disclosure Statement (IDS) filed on June 19, 2003 in the above-identified application. In response to the February 19, 2004, Request, Applicants received a Supplemental Notice of Allowability dated April 6, 2004, stating that the IDS filed on February 19, 2004, failed to comply with 37 C.F.R. §§ 1.97(d), 1.98(a)(2), and 1.98(a)(3). Applicants respectfully submit that the Examiner's assertions are erroneous and that the IDS filed on June 19, 2003, before payment of the Issue Fee, should be considered.

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In the Supplemental Notice of Allowability, the Examiner asserts that there is nothing in the official record to indicate that an IDS was filed on June 19, 2003, and, therefore, the filing of February 19, 2004, will not be considered. In response to the Examiner's assertions, Applicants submit that the June 19, 2003, IDS was properly filed and that the IDS contained authorization for the \$180.00 filing fee to be charged to Deposit Account 02-2448. Applicants enclose herewith copies of the June 19, 2003 IDS, Form PTO-1449, references, and Supplemental Partial European Search Report dated May 20, 2003, as previously submitted. In addition, Applicants enclose a copy of the stamped postcard receipt indicating receipt of these documents by the USPTO.

Again, Applicants note that the June 19, 2003, IDS contained authorization for the USPTO to charge Deposit Account 02-2448 for the \$180.00 filing fee. If such fee has not previously been charged for this IDS, Applicants again authorize the USPTO to use the above-referenced deposit account.

In light of the submission of these documents with evidence of receipt by the USPTO, the Examiner is respectfully requested to consider the IDS filed on June 19, 2003, and to provide Applicants with an initialed Form PTO-1449 for that IDS.

Should this Request for Reconsideration be deemed by the USPTO to constitute a Petition, Applicants authorize the USPTO to charge any necessary fees to Deposit Account 02-2448.

In order to resolve this matter in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

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DRA/jdm

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Attachments: Copy of IDS filed June 19, 2003  
Copy of Form PTO-1449 and References  
Copy of Supp. Partial European Search Report  
Copy of date-stamped postcard